

FEDERAL REGISTER

THE NATIONAL ARCHIVES
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1934

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Washington, Friday, October 21, 1938

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[WRB-101—Kansas, Supplement 8]

1937 AGRICULTURAL CONSERVATION PRO- GRAM, WESTERN REGION

BULLETIN NO. 101, KANSAS, SUPPLEMENT 8

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Kansas, as amended by Supplement 1, Supplement 2, Supplement 3, Supplement 4, Supplement 5, Supplement 6, and Supplement 7,¹ is further amended by this supplement as follows:

Part III, Section 4, Paragraph C is amended to read as follows:

C. Wind-erosion control practices.—Payment will be made for the carrying out on designated wind-erosion acreage in 1937 such of the following practices as are approved by the county committee for the farm prior to their institution, without such practices, when carried out on designated wind-erosion acreage, being regarded as in any way affecting the prior classification of such acreage. Payment may be made with respect to practice U in addition to either practice S, 1; Q, 1; or Q, 5, if carried out on the same acreage and with respect to practice V in addition to either practice S, 1; Q, 1; or Q, 5, if carried out on the same acreage.

The provisions of this Supplement 8 and of Supplements 5, 6, and 7 shall be effective as of October 14, 1937, so as to be covered by the provisions of the "Order Increasing the Allowances, Deductions, and Rates of Payment under the 1937 Agricultural Conservation Program in the East Central, Northeast, North Central, Southern, and Western Regions" issued by the Secretary of Agriculture on October 14, 1937.²

¹ 3 F. R. 383 DI.

² 2 F. R. 2214 (2574 DI).

Done at Washington, D. C., this 19th day of October, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-3121; Filed, October 20, 1938;
11:48 a. m.]

TITLE 33—NAVIGATION AND NAVI- GABLE WATERS

BUREAU OF MARINE INSPECTION AND NAVIGATION

AMENDMENTS TO SECTION D OF THE LOAD LINE REGULATIONS OF THE UNITED STATES

Pursuant to Executive Order 7548 of February 5, 1937,¹ issued by Franklin D. Roosevelt, President of the United States (2 F. R. 257), and pursuant further to the Coastwise Load Line Act, 1935, as amended June 20, 1936 (Section 2, 49 Stat. 888, as amended by 49 Stat. 1543, 46 U. S. C. Sup. III, 88 (a)), Section D of the Load Line Regulations of the United States, September 28, 1937² is hereby amended as follows:

PART 1, PARAGRAPH 18. The subdivision load line certificates.—Insert between the present second and third subparagraphs the following paragraph:

A note shall be added to the Load Line Certificate below the signature of the assigning authority in the following form: "The bulkhead deck used for determining the position of the subdivision load lines certified above is _____ (Here describe bulkhead deck)."

PART 2, RULE 31. Side ports.—Insert the following words as the beginning of the second sentence of subparagraph (a):

"When located below the bulkhead deck." Rule 31, paragraph (a), will then read as follows:

"Gangway, cargo, and coaling ports shall be of sufficient strength. When

¹ 2 F. R. 257 (307 DI).

² 2 F. R. 1972 (2309 DI).

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located below the bulkhead deck they shall be effectively closed and secured watertight before the ship leaves port and shall be kept closed during navigation."

Approved, October 19, 1938.

[SEAL] DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 38-3123; Filed, October 20, 1938; 12:23 p. m.]

TITLE 36—PARKS AND FORESTS

NATIONAL PARK SERVICE

MOORES CREEK NATIONAL MILITARY PARK SUBSIDIARY REGULATION

Pursuant to the authority contained in the General Rules and Regulations, approved by the Secretary of the Interior June 18, 1936 (1 F. R. 672), the following subsidiary regulation for Moores Creek National Military Park has been recommended by the Superintendent and approved by the Acting Director of the National Park Service, to become effective immediately:

Sec. 15.9 *Visiting hours.*—The park shall remain open to visitors from 7:00

a. m. to 6:00 p. m. between May 1 and September 30, and from 7:00 a. m. to 5:00 p. m. between October 1 and April 30: Provided, That the superintendent may open the park at such other times as may be deemed expedient for the convenience of the public: Provided further, That the superintendent may close the park to all visitors when, in his judgment, such action is necessary for the protection of the park or the public.

Approved, October 13, 1938.

[SEAL] A. E. DEMARAY,
Acting Director.

[F. R. Doc. 38-3116; Filed, October 20, 1938; 9:52 a. m.]

TITLE 43—PUBLIC LANDS

OFFICE OF SECRETARY OF THE INTERIOR, GRAZING DIVISION

COLORADO GRAZING DISTRICT No. 1

MODIFICATION

OCTOBER 13, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of July 9, 1935, establishing Colorado Grazing District No. 1, is hereby revoked as far as it affects the following-described land:

COLORADO

Sixth Principal Meridian

T. 1 N., R. 90 W., S $\frac{1}{2}$ sec. 19, secs. 20, 21, N $\frac{1}{2}$ sec. 22 and 29, sec. 30;
T. 3 N., R. 90 W., secs. 4, 5, and 6;
Tps. 4 and 5 N., R. 90 W., all;
T. 6 N., R. 90 W., that part south of Yampa River;
T. 7 N., R. 90 W., that part south of Yampa River;
T. 1 N., R. 91 W., secs. 18, 19, 25, 30, 31, 35, and 36;
T. 3 N., R. 91 W., secs. 1 to 33 inclusive;
T. 4 N., R. 91 W., all;
T. 5 N., R. 91 W., secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36 inclusive;
T. 6 N., R. 91 W., that part south of Yampa River;
T. 1 N., R. 92 W., secs. 4 to 11 and 13 to 36 inclusive;
T. 2 N., R. 92 W., secs. 4 to 9, 16 to 21, and 28 to 33 inclusive;
T. 3 N., R. 92 W., secs. 12, 13, 24, 25, 31 to 36 inclusive;
T. 6 N., R. 92 W., sec. 36, that part south of Yampa River;
T. 1 N., R. 93 W., secs. 1 to 4, E $\frac{1}{2}$ sec. 5 and 8, sec. 9 to 16, E $\frac{1}{2}$ sec. 17 and 20, sec. 21 to 28, E $\frac{1}{2}$ sec. 29, sec. 31 to 36 inclusive;
T. 2 N., R. 93 W., secs. 1 to 4, E $\frac{1}{2}$ sec. 5 and 8, sec. 9 to 16, E $\frac{1}{2}$ sec. 17 and 20, sec. 21 to 28, E $\frac{1}{2}$ sec. 29 and 32, sec. 33 to 36 inclusive;
T. 3 N., R. 93 W., E $\frac{1}{2}$ sec. 32, sec. 33 to 36 inclusive;
T. 1 N., R. 94 W., secs. 33 to 36 inclusive;
T. 2 S., R. 90 W., W $\frac{1}{2}$ sec. 6, 7, and 18;
T. 1 S., R. 91 W., secs. 1 to 12 and 14 to 24 inclusive, W $\frac{1}{2}$ sec. 25, E $\frac{1}{2}$ sec. 26, W $\frac{1}{2}$ sec. 35, sec. 36;
T. 2 S., R. 91 W., sec. 1, E $\frac{1}{2}$ sec. 12 and 13;
T. 1 S., R. 92 W., secs. 1 to 35 inclusive, W $\frac{1}{2}$ sec. 36;
T. 2 S., R. 92 W., secs. 2 to 11 and 14 to 16 inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 17, NW $\frac{1}{4}$ sec. 23;
T. 1 S., R. 93 W., all;
T. 2 S., R. 93 W., secs. 1 to 6 inclusive, sec. 11, 12, and 14;
T. 3 S., R. 93 W., sec. 19, SW $\frac{1}{4}$ sec. 20, sec. 29 to 32 inclusive;

T. 1 S., R. 94 W., secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36;
T. 2 S., R. 94 W., secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36;
T. 3 S., R. 94 W., secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36.

HARRY SLATTERY,

Acting Secretary of the Interior.

[F. R. Doc. 38-3118; Filed, October 20, 1938; 9:52 a. m.]

COLORADO GRAZING DISTRICT No. 6

MODIFICATION

OCTOBER 13, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), Departmental order of July 11, 1935, establishing Colorado Grazing District No. 6, is hereby revoked as far as it affects the following-described land:

COLORADO

Sixth Principal Meridian

T. 11 N., R. 86 W., sec. 6;
T. 12 N., R. 86 W., secs. 16 to 21 inclusive, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 28, sec. 29, 30, 31, N $\frac{1}{2}$, SW $\frac{1}{4}$ sec. 32;
T. 10 N., R. 87 W., secs. 5, 6, 7;
Tps. 11 and 12 N., R. 87 W., all;
T. 10 N., R. 88 W., secs. 1 to 6 inclusive, N $\frac{1}{2}$ sec. 7 and 8, NW $\frac{1}{4}$ sec. 9, E $\frac{1}{2}$ sec. 10, sec. 11, 12;
Tps. 11 and 12 N., R. 88 W.;
T. 7 N., R. 89 W., secs. 4 to 9 and 16 to 18 inclusive;
T. 8 N., R. 89 W., all;
T. 9 N., R. 89 W., W $\frac{1}{2}$ sec. 7, S $\frac{1}{2}$ sec. 17, W $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 18, sec. 19, 20, 21, S $\frac{1}{2}$ sec. 22, sec. 26 to 36 inclusive;
T. 10 N., R. 89 W., NW $\frac{1}{4}$ sec. 6;
Tps. 11 and 12 N., R. 89 W.;
T. 6 N., R. 90 W., that part north of Yampa River;
T. 7 N., R. 90 W., that part north of Yampa River;
T. 8 N., R. 90 W., all;
T. 9 N., R. 90 W., SW $\frac{1}{4}$ sec. 1, sec. 2 to 36 inclusive;
T. 10 N., R. 90 W., secs. 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 5, NE $\frac{1}{4}$, S $\frac{1}{2}$ sec. 7, sec. 8 to 12 inclusive, N $\frac{1}{2}$ sec. 13 and 14, sec. 15 to 22 inclusive, W $\frac{1}{2}$, SE $\frac{1}{4}$ sec. 26, sec. 27 to 35 inclusive;
T. 11 N., R. 90 W., secs. 1 to 17, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 18, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ sec. 20, sec. 21 to 28, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 33, sec. 34, 35, 36;
T. 12 N., R. 90 W., all;
T. 6 N., R. 91 W., that part north of Yampa River;
Tps. 7, 8, 9 N., R. 91 W., all;
T. 10 N., R. 91 W., secs. 5, 6, 7, 8, W $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 9, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 10, NE $\frac{1}{4}$, S $\frac{1}{2}$ sec. 13, W $\frac{1}{2}$ sec. 15, sec. 16 to 36 inclusive;
T. 5 N., R. 92 W., that part north of Yampa River;
T. 6 N., R. 92 W., that part north of Yampa River;
Tps. 7 to 10 N., R. 92 W., all;
T. 5 N., R. 93 W., that part north of Yampa River;
T. 6 N., R. 93 W., that part north of Yampa River;
Tps. 7 to 10 N., R. 93 W., all;
T. 7 N., R. 94 W., sec. 1 to 4, 9 to 16, 21 to 24 inclusive;
Tps. 8, 9, and 10 N., R. 94 W., all;
T. 8 N., R. 95 W., all;
T. 9 N., R. 95 W., sec. 1 to 5, 8 to 17, 20 to 29, and 32 to 36, inclusive.

HARRY SLATTERY,

Acting Secretary of the Interior.

[F. R. Doc. 38-3119; Filed, October 20, 1938; 9:53 a. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE DENTAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenant, Dental Corps, Regular Army, under the provisions of AR 605-15, will be held within the continental limits of the United States from February 13 to 18, 1939, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General. Applications received after January 31, 1939, will not be considered. (Sec. 24, 41 Stat. 774; 10 U. S. C. 122, 123.) [W. D. Cir. 61, October 18, 1938.]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 38-3115; Filed, October 20, 1938;
9:52 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Territories and Island Possessions.

[Supplement No. 6 to I. C. C. No. 128.]

THE ALASKA RAILROAD IN CONNECTION WITH ALASKA STEAMSHIP COMPANY (FX 5 No. 5), AMERICAN YUKON NAVIGATION COMPANY (FX 2 No. 1), PUGET SOUND FREIGHT LINES (FX 5 No. 16)

[Supplement No. 6 to Joint Freight Tariff No. 5-E]

NAMING CLASS AND COMMODITY RATES BETWEEN SEATTLE AND TACOMA, WASHINGTON AND POINTS ON THE ALASKA RAILROAD, AMERICAN YUKON NAVIGATION COMPANY, IN ALASKA

Governed, except as otherwise provided herein, by the Western Classification No. 67 (as published in Consolidated Freight Classification No. 12), R. C. Fyfe's I. C. C. No. 25, supplements thereto or successive reissues thereof. Transportation service in connection with The Alaska Railroad, American Yukon Navigation Company, is subject to restoration and discontinuance as indicated on page 17 of tariff. Issued, September 27, 1938. Effective, November 11, 1938. Authority: Act, March 12, 1914 and Executive Order No. 3861. Issued by: O. F. Ohlson, General Manager, Anchorage, Alaska.

Section 2.—Commodity Rates

If the charge accruing under Section 1 of this Tariff is lower than the charge accruing under this Section on the same shipment via the same route, the charge accruing under Section 1, will apply.

¹ Supplements Nos. 3, 4, 5 (suspension of rail and water service), and 6 contain all changes from the original tariff that are effective on the date hereof. Supplement 6 appears at 3 F. R. 2102 DI.

Item No.	Commodities	Stations	Rates in cents per 100 pounds except as shown	
435-C Cancels 435-B	Fruit and Vegetables, fresh, viz: Apricots, Greens, Artichokes, Lettuce, Asparagus, Melons, Avocados, Onions, with tops, Bananas, Parsley, Beans, Parsnips, with tops, Beets, with tops, Peaches, Berries, Pears, Brussel Sprouts, Peas, Cantaloupes, Peppers, Carrots, with tops, Pineapples, Cauliflower, Plums, Celery, Pomegranates, Chayotes, Prunes, Cherries, Quinces, Corn, Radishes, Cranberries, Rhubarb, Cucumbers, Spinach, Currants, Tomatoes, Egg Plant, Turnips, with tops, Grapes, Any quantity.	From Seattle, Wash., to: Anchorage..... Matanuska..... Palmer..... *Premier..... *Jonsville..... *Eskola..... Wasilla..... *Talkeetna..... Curry..... Healy..... *Suntrana..... Nonana..... *Marshall..... Fairbanks..... Alaska.	426 470 478 494 494 494 478 A555 A578 A668 A672 A702 702 A730	
NOTE.—Shipments requiring cool room service on steamers from Seattle, Wash. to Seward, Alaska will be subject to additional charge as provided in Item 235 for such service.				
490-C Cancels 490-B	Meats, fresh, including Sausage and Dressed Poultry. Less than carloads. Straight or mixed carloads, minimum weight 26,000 pounds. NOTE.—Rates named in this item include cold storage service on steamers between Seattle, Wash., and Seward, Alaska.	Between Seattle, Wash., and: Anchorage..... Palmer..... *Premier..... *Jonsville..... *Eskola..... Wasilla..... *Willow..... *Talkeetna..... Healy..... *Suntrana..... Nonana..... *Marshall..... Fairbanks..... Alaska.	441 493 509 509 509 493 422 325 571 A683 A687 A717 717 A745	385 422 433 433 433 422 444 475 A555 A557 A578 578 A598
535-C Cancels 535-B	Sugar, Carloads, minimum weight 30,000 pounds.	From Seattle Wash., Tacoma Wash., to: Anchorage..... Fairbanks..... Alaska.	173 A311	

A Denotes Advance.

* No agent, Freight Charges must be prepaid.

The above is hereby confirmed.

RUTH HAMPTON, Assistant Director.

[F. R. Doc. 3117; Filed, October 20, 1938; 9:52 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 5-401(E)-1]

APPLICATION OF NATIONAL AIRLINES, INC., UNDER SECTION 401 (E) FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SCHEDULED AIR TRANSPORTATION OF MAIL, PASSENGERS, AND PROPERTY BETWEEN JACKSONVILLE, FLA., AND NEW ORLEANS, LA., VIA TALLAHASSEE, MARIANNA, AND PENSACOLA, FLA., MOBILE, ALA., AND GULFPORT, MISS.

OCTOBER 19, 1938.

The above-entitled proceeding is assigned for public hearing on October 29, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Hearing Room #2062, Washington, D. C., before examiner L. Jordan.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 38-3120; Filed, October 20, 1938;
10:39 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-106]

APPLICATION OF KANSAS PIPE LINE & GAS COMPANY

ORDER SETTING DATE OF ORAL ARGUMENT

OCTOBER 19, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

Upon petition filed by the American Retail Coal Association for leave to intervene and become a party to the proceeding before the Commission on the application of the Kansas Pipe Line & Gas Company, filed on September 10, 1938, for a certificate of public convenience and necessity pursuant to Section 7 (c) of the Natural Gas Act;

The Commission orders that:

Oral argument on said petition be heard on October 21, 1938, at 10:00 a. m.

in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., such argument to cover the following questions:

(A) Whether the petitioner is a competitor of the applicant company within the meaning of Section 15 (a) of the Natural Gas Act and as such should be permitted to intervene in this proceeding;

(B) Whether, and if so, to what extent, the participation of the petitioner in this proceeding will be in the public interest;

(C) Whether the Natural Gas Act requires or contemplates that the Commission, in determining the question of public convenience and necessity in this proceeding, shall consider the effect which the construction or extension of facilities by a natural-gas company and the service of natural gas thereby, will have upon persons directly or indirectly engaged in the business of producing or distributing a fuel other than natural gas.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-3122; Filed, October 20, 1938;
12:16 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1938.

[File No. 1-1999]

IN THE MATTER OF CONTINENTAL SECURITIES CORPORATION

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration on the Boston Stock Exchange of the 15-Year 5% Debentures, Series A, due May 1, 1942, of the \$5 Cumulative Preferred Stock, \$100 Par Value, and of the Common Stock, \$5 Par Value, of Continental Securities Corporation shall be suspended or withdrawn; and

After appropriate notice,¹ a hearing having been held in this matter on July 27, 1938, in Washington, D. C.; and

The Commission having found, based upon the evidence introduced at said hearing, that the issuer has failed to comply with the provisions of Section

13 (a) of said Act, as amended, and Rule X-13A-1 prescribed under said Section, all as more fully set forth in the Commission's Opinion this day issued; and

The Commission being of the opinion that it is necessary and appropriate for the protection of investors to withdraw the registration of said securities on said Exchange;

It is ordered, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, that the registration on the Boston Stock Exchange of the 15-Year 5% Debentures, Series A, due May 1, 1942, of the \$5 Cumulative Preferred Stock, \$100 Par Value, and of the Common Stock, \$5 Par Value, of Continental Securities Corporation shall be and the same is hereby withdrawn, effective as of October 28, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3113; Filed, October 19, 1938;
3:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1938.

[File No. 2-3547]

IN THE MATTER OF UNITED COMBUSTION CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of United Combustion Corporation, a Delaware corporation, and the proposed amendment filed May 9, 1938, to said registration statement, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in the facing page, Items 3, 14, 20, 27, 29, 37, 39, 46, 47, 53, 54, 55, Exhibits F and H, the accountant's certificate, the consents of experts and the prospectus, and it not appearing to the Commission that the aforesaid amendment, on its fact, is not incomplete or inaccurate in any material respect, all as more fully set forth in the Commission's Findings of Fact and Opin-

ion this day issued, and the Commission being now fully advised in the premises;

It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by the United Combustion Corporation be and the same hereby is suspended; and

It is further ordered, That the request of United Combustion Corporation that the proposed amendment filed by it on May 9, 1938, be declared effective be and the same hereby is denied.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 3114; Filed, October 19, 1938;
3:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held in its office in the City of Washington, D. C., on the 18th day of October, A. D. 1938.

[File No. 31-411]

IN THE MATTER OF THE APPLICATION OF NEW BRUNSWICK POWER COMPANY

ORDER GRANTING EXEMPTION

New Brunswick Power Company having made application pursuant to Section 3 (b) of the Public Utility Holding Company Act of 1935, for an order exempting it from the provisions of the Act applicable to it as a subsidiary of Federal Light and Traction Company and of Cities Service Power and Light Company, registered holding companies; a hearing on said application having been held after appropriate public notice;¹ the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

It is ordered, That the said New Brunswick Power Company be, and it is hereby exempted, to the extent specified, from certain provisions of the Act applicable to it as a subsidiary company of Federal Light and Traction Company and Cities Service Power and Light Company, registered holding companies, as follows:

(a) Section 6 of the Act, with respect to any issue or sale of a security of such company, except that this exemption shall not extend to any issue or sale of securities which are to be publicly offered for sale within the United States; however, such exemption shall be applicable to the exercise of a privilege or right to alter the priorities, preferences, voting power, or any other rights of the holders of any security, if at the time of the exercise of such privilege or right no securities are outstanding in the hands of the public other than those outstanding on the date of this order.

¹ 3 F. R. 1802 DI.

¹ 3 F. R. 2358 DI.

(b) Section 9 of the Act, except that this exemption shall not apply to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by any public utility or holding company which, directly or indirectly, owns or controls utility assets located within the United States;

(c) Sections 12 (c), and 12 (d) of the Act;

(d) Subdivision (2) of subsection (h) of Section 12 of the Act, except with reference to a contribution to, or in support of any political party in the United States or any committee or agency thereof;

(e) Section 13 of the Act with respect to any transactions, except the performing of services or construction for, or the sale of goods to any public utility holding company which is, or subsidiary thereof which is a public utility company, operating within the United States;

(f) Section 17 (c) of the Act; and

(g) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions of such section shall by their terms be made expressly applicable to a company which is not, and which has no subsidiary company which is, a public utility company operating in the United States; and

(h) Sections 11 (f), 11 (g), and 12 (e) of the Act, provided, however, that exemption from the provisions of Sections 11 (g) and 12 (e) shall not be applicable to any solicitation regarding any securities, other than securities owned by Cities Service Company, Cities Service Power and Light Company, or Federal Light and Traction Company, or other associates of the issuer, which shall have been the subject of a public offering within the United States subsequent to the effective date of the order issued in this matter.

It is further ordered, That the exemption herein granted shall expire on December 31, 1940, without prejudice to the right of New Brunswick Power Company to apply for an extension of the time during which such order shall be effective and also without prejudice to the right of said New Brunswick Power Company to apply at any time for such enlargement of any of the provisions of this order as it may deem appropriate.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3125; Filed, October 20, 1938;
12:44 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 19th day of October, A. D. 1938.

[File Nos. 32-107, 56-13]

IN THE MATTER OF THE OHIO POWER COMPANY, AMERICAN GAS AND ELECTRIC COMPANY

ORDER EXEMPTING ISSUE AND SALE OF BONDS AND NOTES; APPROVING THE SALE AND ACQUISITION OF BONDS

The Ohio Power Company, a subsidiary of American Gas and Electric Company, a registered holding company, having filed an application and amendments thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act of the issue and sale of \$55,000,000 of its First Mortgage Bonds, 3½% Series due 1968, and \$10,000,000 of 3½% Notes to be issued direct to banks and to mature in ten years;

The Ohio Power Company and American Gas and Electric Company having filed a joint application pursuant to Rule U-12C-1(b) and Rule U-12D-1 under the Public Utility Holding Company Act of 1935, for the approval of the acquisition by The Ohio Power Company of \$15,306,000 of its First and Refunding Mortgage Gold Bonds, 4½% Series "D", and for the approval of the sale by American Gas and Electric Company of \$15,306,000 of First and Refunding Mortgage Gold Bonds, 4½% Series "D" of The Ohio Power Company to the latter company;

A joint hearing on such matters having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings;

It is ordered, That the issue and sale of the aforesaid First Mortgage Bonds and Notes by The Ohio Power Company in accordance with the terms and conditions set forth in, and for the purposes represented by the said amended application, be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; upon the further condition that if the express authorization of the issue and sale of such securities by the Public Utility Commission of Ohio shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission, and upon the further condition that within ten days after the issue and sale of the proposed bonds and notes the applicant, The Ohio Power Company, shall file with this Commission a Certificate of Notification showing that such issue and sale have been effected in accordance with terms and conditions of and for the purposes represented by said amended application;

It is further ordered, That the sale by the applicant, American Gas and Electric Company of the aforesaid First and

Refunding Mortgage Gold Bonds and the acquisition of same by the applicant, The Ohio Power Company, in accordance with the terms and conditions set forth in, and for the purposes represented by said application, are hereby approved.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3124; Filed, October 20, 1938;
12:44 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1938.

[File No. 32-109]

IN THE MATTER OF STATEN ISLAND EDISON CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on October 27, 1938, at 11:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 25, 1938.

The matter concerned herewith is in regard to an application pursuant to section 6 (b) by Staten Island Edison Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company for exemption from provisions of section 6 (a) of said Act for the issue and sale to The Chase National Bank

¹ 3 F. R. 2367 DI.

of the City of New York of a Five Year 3½% note of the face value of \$3,000,000 and the issuance of \$3,000,000 principal amount of Staten Island Edison Corporation first mortgage 3½% bonds to mature in not less than twenty years, such bonds to be pledged with said bank as collateral for the note. The proceeds of the sale of said note

will be used as follows: \$1,000,000 will be used to retire \$1,000,000 principal amount of Richmond Light & Railway Company 4% bonds presently outstanding, and \$2,000,000 of proceeds of said note will be used to partially reimburse the treasury for expenditures previously made, and after such reimbursement the said \$2,000,000 will be used to pay

applicant's Refunding and Improvement Mortgage 4% Bonds due July 15, 1938, presently outstanding in that amount.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3126; Filed, October 20, 1938;
12:44 p. m.]